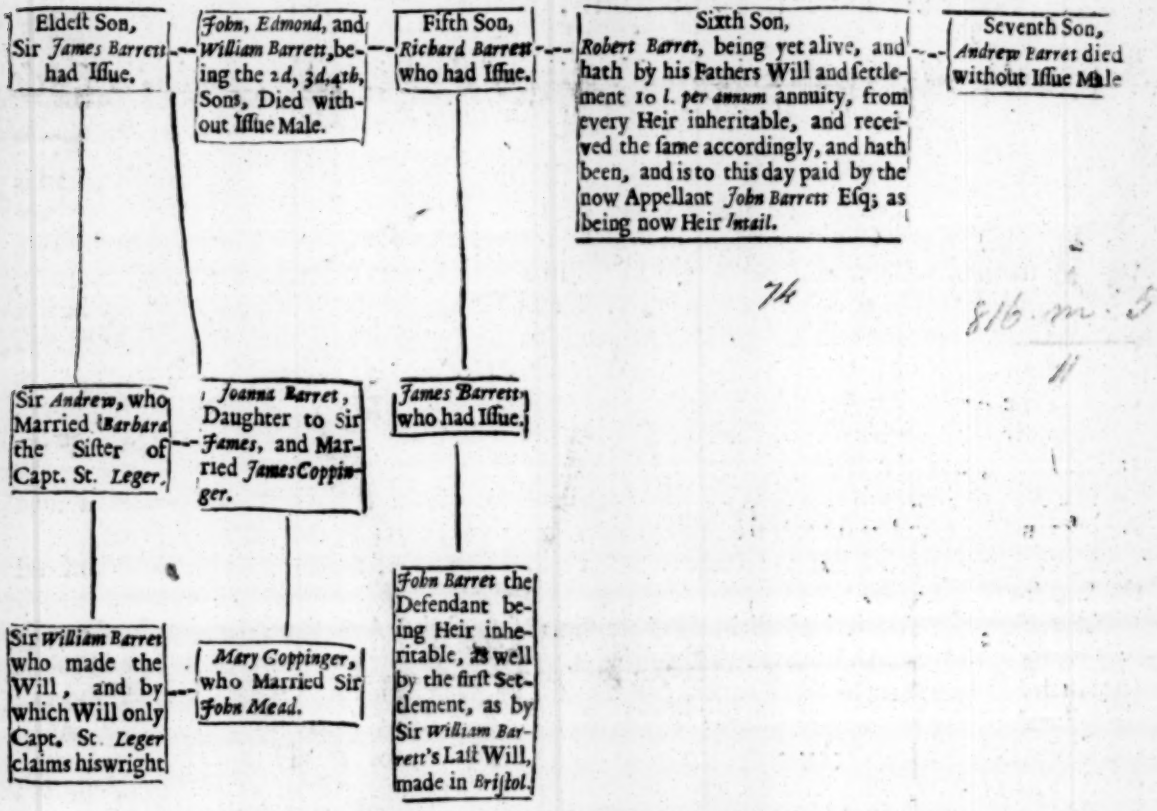
The Pedigree from Old *Andrew Barret* Esq; having seven Sons, who made several Feofments to several Trustees in Trust of all his Estate to the use of his Last Will, who made the said Will in *Dublin*, *July* 19, 1613, and thereby Intails all his Estate upon Sir *James Barrett* his eldest Son and to his Heirs Male, and for want thereof, to the 2*d*, 3*d*, 4*th*, 5*th*, 6*th*, 7*th* Sons, as by Inquisitions, Deeds and Records, may, and vvill appear.

Old Andrew Barrett Esq; *and Katharine his Wife had seven Sons, as follows:*



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BRISTOL, February 16, 1672.

The Will of Sir *William Barret*, by which alone Capt. *John St. Leger* Claims the Estate of *John Barrett* Esq; is as followeth.

THIS *is to let the litigious and wrangling world know, that I leave* (as Justice and my Conscience tells me I ought) *all my* Estate *that is Intailed to the Right and Lawful Heir; and that which is not Intailed, to my Uncle* John St. Leger *and his Heirs Males; but for want thereof,* to return to the right Heir. *I do also desire that he* will be Guardian to the youth, *and breed him as well as he can; and if he prove good for any thing, dispose of him as you think fit; if not, turn him amongst the rest. I do leave also to my Uncle* John St. Leger, *the remainder of Sir* Kirle *his Bond which is* 100 *l. and this last half-years Rent, of which I have not received one peny; out of this Money, pray pay* 40 l. *to Mr.* Watson Goldsmith, *and* 12 l. *to Mr.* Dauters Laceman, *who lives in a little Alley beyond* Somerset-house, 40 l. *to Mr.* Poulin Draper, *at the sign of the* Raven *in* Fleetstreet, *and* 46 s. *to my Brother* Warham; *and I desire further, in case you accept of this trouble, that during the youths minority, you reserve out of the Estate* 200 l. 100 l. *to be paid to my Sister* Mary St. Leger *upon the first day of her Marriage, and the other* 100 l. *to be paid to my Sister* Garthwright St. Leger *on the first day of her Marriage, and to satisfie the Bonds for* 50 l. *that lay in* Collonel St. Leger's *hands, and so I bid the world farwell, and leave this as my Last Will and Testament,* William Barrett. *If you can, prefer this Servant, and give him* 10 l. *As I always lived decently, pray bury me so: Being present at the Signing of this my Last Will and Testament,* Ann Brinsden, John Field, George Turner.

This is a true Copy of the Original Will, examined, *Feb.* 28, 1672, by us
Ann Brinsden, George Turner, John Field.

Tho. Hartwell, *Not. Pub*

The CASE of *John Barret* Esq; Appellant, from a Decree made by the High Court of Chancery in *Ireland*, in a Cause there depending, wherein *John St. Leger* Esq; is Plantiff, against the said *John Barrett* Defendant.

Humbly offered to the Consideration of the Right Honourable the Lords Spiritual and Temporal in Parliament Assembled.

SIR *WILIAM BARRETT* being seized of several Mannors, Territories, Lands and Tenements of the yearly value of 1500 *l.* or thereabouts, scituate, lying and being in the County of *Cork* in *Ireland*, of an Estate Tail, with remainder in Tail to the Apellant, and being also seized in Fee of divers other Lands and Tenements, did, *Feb.* 16, 1672, make his last Will and Testament in Writing, whereby he left (as in justice he ought to do) and did bequeath to the Appellant all his Intailed Estate; and his Estate in Fee-simple to the Respondent *John St. Leger* and his Heirs Male, with remainder over to the Appellant: made the Respondent Guardian to the Apellant, and shortly after dyed.

After Sir *William* his death, the Appellant entred upon, and took possession of all the Intailed Lands, and the Respondent of all the Lands in Fee-simple.

The Respondent also accepted of the Guardianship of the Appellant, and entered into Articles under Hand and Seal, faithfully to perform that Trust: In pursuance whereof

First, He permitted the Appellant to receive and dispose of the Rents and Profits of all the said Intailed Lands.

Secondly, He Exhibited a Bill in Chancery in right of the Appellant (and as his Guardian) against Sir *William Barrett*'s Mother (who was the Respondent's own Sister) and others. In which Bill he set forth all the ancient Intails under which the Appellant claimed, and the Appellant's Title to the said Estate; and having by such means gotten into his possession all the ancient Deeds and Writings which should make out the Appellants Title, he then in breach of his Trust and written Articles, contrived which way to defeat him of his right, and defraud him of all his whole Estate. And the method taken for that purpose, was as followeth:

The Respondent, during the minority of the Appellant, and whilst he was under his Guardianship, having gotten all the evidences of his Estate in his own power, Exhibited a Bill in Chancery against him in *Ireland*, by which Bill he alledgeth,

That most of the Intailed Lands then in the Appellants possession, and which he so had enjoyed by the Respondents own permission, were belonging to him; pretending, That they were never Intailed, but are Lands, whereof Sir *William* dyed seized in Fee-simple, and therefore given him by his Will. The scope of which Bill was to examine Witnesses, *in perpetuam rei memoriam*, to prove the said Will; and to induce the Court to believe, that the said Lands were Fee-simple Lands, he did aver that they were the inheritance of *Kathraine* the Wife of *Andrew Barett*, who was great Grandfather of the Appellant and Sir *William Barrett*; and that the said *Andrew* the Great Grandfather could not intail the same.

To which Bill, Answer being put in, Issue joyned, Witnesses examined, and Publication passed,

Novemb. 19. 1677. The Cause came to a hearing before the Lord Chancellor of *Ireland*, when (and at several other hearings thereof) the Appellants Councel insisted, That the Will being proved, that Court ought not to proceed any further in the Cause, they having no jurisdiction thereof; it being a question of Freehold and Inheritance, determinable only at the Common Law.

Nevertheless his Lordship directed a Tryal at Law upon one single Issue, to wit,

What Lands Andrew *the Great-Grandfather was seized of, in Right of* Katharine *his Wife, and whether he made any intail? and of what Lands?*

June 28. 1677. The Tryal was had when the Jury (some of whom were related to the Lord Chancellor, and he to the Respondent) found that *Andrew Barrett* the Great-Grandfather